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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,197	01/27/2005	Kazuhito Niwano	264203US2PCT	8772
22850	7590	05/05/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MIAH, LITON	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			05/05/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/523,197	<b>Applicant(s)</b> NIWANO, KAZUHITO	
	<b>Examiner</b> LITON MIAH	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. This Action is in response to Applicant's amendment filed on January 17, 2008. Claims 1-12 are still pending in the present application. **This Action is made FINAL.**

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann et al. (2003/0022683) in view of Koo et al. (2002/0071407).

**For claim 1**, Beckmann et al discloses a communication system comprising: a transmitting station (**see figure 5, UE section**) including a first physical layer process section (**see figure 5, box PL**), a first MAC layer process section (**see figure 5, box MAC**), a first RLC layer process section (**see figure 5, box RLC**), and a first RRC layer process section (**see figure 5, box RRC**); a receiving station (**see figure 5, RNC section**) including a second physical layer process section (**see figure 5, box PL**), a second MAC layer process section (**see figure 5, box MAC**), a second RLC layer process section (**see figure 5, box RLC**), and a second RRC layer process section (**see figure 5, box RRC**); and an HS-SCCH and an HS-PDSCH connecting between

the transmitting station and the receiving station (**see paragraph 0029 lines 1-5 and figure 5, line 10**).

**For Claim 11**, a transmitting station (**see figure 5, UE section**) comprising a physical layer process section, a MAC layer process section (**see figure 5, box MAC**), an RLC layer process section (**see figure 5, box RLC**), and an RRC layer process section (**see figure 5, box RRC**),

**For Claim 12**, a receiving station (**see figure 5, RNC section**) comprising a physical layer process section (**see figure 5, box PL**), a MAC layer process section (**see figure 5, box MAC**), an RLC layer process section (**see figure 5, box RLC**), and an RRC layer process section (**see figure 5, box RRC**),

**For claims 1 and 11-12**, Beckmann et al discloses all the subject matter of the claimed invention with the exception of communication system bypassing RRC layer process section. Koo et al from the same or similar fields of endeavor teaches the transmitting station (**see figure 1, NODE B section**) transmits control information for controlling the receiving station to the receiving station through the HS-PDSCH without making the control information go through a process by the first RRC layer process section, and (**see paragraph 0116**); the receiving station (**see figure 1, UE section**) performs a prescribed process based on the control information received from the transmitting station through HS-PDSCH without making the control information go through a process by the second RRC layer process section (**see paragraph 0116**). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to bypass the RRC layer process section as taught by Koo et al in the

communication network of Beckmann et al. Without making the control information go through a process by the RRC layer process section as taught by Koo et al can be modified/implemented into the communication network of Beckmann. The motivation for bypassing the RRC layer process section as taught by Koo et al in the communication network of Beckmann et al being that it will reduce the delay time caused by the conventional process for transmitting the analyzed information.

**For claim 2**, Beckmann et al discloses the control information is control information on the number of to-be-received HS- SCCHs (**see paragraph 0036 lines 1-11**), and the prescribed process is a process of changing the number of to-be-received HS- SCCHs (**see paragraph 0036 lines 11-28**).

**For claim 3**, Beckmann et al discloses upper layer data sent to the first physical layer process section from an upper protocol layer than the first physical layer process section is transmitted to the receiving station through the HS-PDSCH (**see paragraph 0026**), and the control information is transmitted to the receiving station at different timing from transmission timing of the upper layer data (**see paragraph 0022**).

**For claim 4**, Beckmann et al discloses upper layer data sent to the first physical layer process section from an upper protocol layer than the first physical layer process section is transmitted to the receiving station through the HS-PDSCH (**see paragraph 0026**), and the control information is multiplexed with the upper layer data, and transmitted to the receiving station at the same timing as transmission timing of the upper layer data (**see paragraph 0029 lines 5-12**).

**For claim 5**, Beckmann et al discloses the control information is transmitted through a first HS-PDSCH (**see paragraph 0029**), and the upper layer data is transmitted through a second HS-PDSCH different from the first HS-PDSCH (**see paragraph 0038 lines 7-12**).

**For claim 6**, Beckmann et al discloses notifying information indicating that the control information is being transmitted from the transmitting station is transmitted from the transmitting station to the receiving station through the HS-SCCH (**see paragraph 0038 lines 12-17**), and the first HS-PDSCH is designated explicitly by the notifying information (**see paragraph 0037**).

**For claim 7**, Beckmann et al discloses the first HS-PDSCH follows the second HS-PDSCH (**see paragraph 0049**).

**For claim 8**, Beckmann et al discloses the control information and the upper layer data are transmitted through the common HS-PDSCH (**see paragraph 0030**).

**For claim 9**, Beckmann et al discloses upper layer data sent to the first physical layer process section from an upper protocol layer than the first physical layer process section is transmitted to the receiving station through the HS-PDSCH (**see paragraph 0026**), information indicating that data is being transmitted from the transmitting station through the HS-PDSCH is transmitted from the transmitting station to the receiving station through the HS-SCCH (**see paragraph 0038 lines 12-17**), the information includes a part for indicating the HS-PDSCH used for transmission of the data (**see paragraph 0030**), and when the transmitting station transmits the control information to the receiving station, the receiving station is notified that the control information is being

transmitted by the contents described in the part being different from the contents described in the part when the data is the upper layer data **(see paragraph 0034)**.

**For claim 10**, Beckmann et al discloses upper layer data sent to the first physical layer process section from an upper protocol layer than the first physical layer process section is transmitted to the receiving station through the HS-PDSCH **(see paragraph 0026)**, information indicating that data is being transmitted from the transmitting station through the HS-PDSCH is transmitted from the transmitting station to the receiving station through the HS-SCCH **(see paragraph 0038 lines 12-17)**, the information includes a part for indicating a data size of the data **(see figure 6, box DP)**, a data size of the control information is a fixed value, and notified to the receiving station in advance **(see paragraph 0034 lines 20-25)**, and when the transmitting station transmits the control information to the receiving station, the receiving station is notified that the control information is being transmitted by the contents described in the part being different from the contents described in the part when the data is the upper layer data **(see paragraph 0034)**.

#### ***Response to Arguments***

4. Applicant's arguments filed January 17, 2008 have been fully considered but they are not persuasive.

Applicant argues that Beckmann and Koo do not disclose **“the HS-PDSCH and the HS-SCCH are not used; control information on the number of to-be-received HS-SCCHs,(see Remarks page 7 last paragraph to page 8 last paragraph).”**

Applicant argues that Beckmann does not disclose “**each feature of claim 6 (see Remarks page 9 last paragraph).**”

In response to the preceding arguments examiner respectfully submits that **Backmann** teaches “**the HS-PDSCH and the HS-SCCH are not used**” as can be used in any radio system in which the transmission of multicast messages (See paragraph 0036).

In response to the preceding arguments examiner respectfully submits that **Backmann** teaches “**control information on the number of to-be-received HS-SCCHs**” as the control information to all data packets which it receives from a logical channel (SHCCH), the information only consists of the TCTF field which is assigned the value (See paragraph 0036).

In response to the preceding arguments examiner respectfully submits that **Beckmann** teaches “**notifying information indicating that the control information is being transmitted from the transmitting station is transmitted from the transmitting station to the receiving station through the HS-SCCH, and the first HS-PDSCH is designated explicitly by the notifying information**” as the data packets which are transmitted by different logical channels and the system information referred only with an identifier in the message for assigning the PDSCH resources (see paragraph 0037 and 0038).



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liton Miah whose telephone number is (571)270-3124. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571)272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Liton Miah

/Rafael Pérez-Gutiérrez/  
Supervisory Patent Examiner, Art Unit 2617